

1 AN ACT concerning the regulation of professions.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the  
5 Electrologist Licensing Act.

6 Section 5. Purposes. The practice of electrology in the  
7 State of Illinois is hereby declared to affect the public  
8 health, safety, and welfare and to be subject to regulation  
9 and control in the public interest.

10 It is declared to be a matter of public health and  
11 concern that the practice of electrology, as defined in this  
12 Act, merit and receive the confidence of the public and that  
13 only qualified persons be authorized to practice as  
14 electrologists in the State of Illinois. This Act shall be  
15 liberally construed to best carry out these subjects and  
16 purposes.

17 Section 10. Definitions. In this Act:

18 "Department" means the Department of Professional  
19 Regulation.

20 "Director" means the Director of Professional Regulation.

21 "Electrologist" means an individual licensed to practice  
22 electrology pursuant to the provisions of this Act.

23 "Electrology" means the practice or teaching of services  
24 for permanent hair removal utilizing only solid probe  
25 electrode type epilation, which may include thermolysis  
26 (shortwave, high frequency), electrolysis (galvanic), or a  
27 combination of both (superimposed or sequential blend).

28 Section 15. License required. Beginning January 1, 2004,  
29 no person shall engage in the practice of electrology or hold

1 himself or herself out as an electrologist in this State  
2 without a license issued by the Department under this Act.

3 Section 20. Exemptions. This Act does not prohibit:

4 (1) A person licensed in this State under any other Act  
5 from engaging in the practice for which that person is  
6 licensed.

7 (2) The practice of electrology by a person who is  
8 employed by the United States government or any bureau,  
9 division, or agency thereof while in the discharge of the  
10 employee's official duties.

11 (3) The practice of electrology included in a program of  
12 study by students enrolled in schools or in refresher courses  
13 approved by the Department. Nothing in this Act shall be  
14 construed to prevent a person functioning as an assistant to  
15 a person licensed to practice medicine in all its branches  
16 from providing electrology services.

17 Section 23. Scope of practice.

18 (a) The scope of practice of an electrologist is limited  
19 to the following:

20 (1) The application of an antiseptic on the area of  
21 the individual's skin to which electrology will be  
22 applied.

23 (2) The use of a sterile needle/probe electrode  
24 type epilation, which includes (i) electrolysis, known as  
25 direct current/DC, (ii) thermolysis, known as alternating  
26 current/AC, or (iii) a combination of both electrolysis  
27 and thermolysis, known as superimposed or sequential  
28 blend.

29 (b) Nothing in this Act shall be construed to authorize  
30 an electrologist to use surgery including but not limited to  
31 the use of any laser technology. An electrologist shall  
32 refer to a licensed physician any individual whose condition,

1 at the time of evaluation or service, is determined to be  
2 beyond the scope of practice of the electrologist, such as an  
3 individual with signs of infection or bleeding.

4 Section 25. Application. Applications for original  
5 licenses shall be made to the Department in writing on forms  
6 prescribed by the Department and shall be accompanied by the  
7 required fee, which is not refundable. The application shall  
8 require any information as, in the judgment of the  
9 Department, will enable the Department to pass on the  
10 qualifications of the applicant for a license. The  
11 application shall include evidence of passage of an  
12 examination recognized by the Department.

13 Section 30. Qualifications for licensure. A person shall  
14 be qualified for licensure as an electrologist if that person  
15 has met all of the following requirements:

16 (1) Has applied in writing on the prescribed forms  
17 and has paid the required fees.

18 (2) Has not violated any of the provisions of  
19 Section 75 of this Act or the rules promulgated under  
20 this Act. The Department shall take into consideration  
21 any felony conviction of the applicant, but a conviction  
22 shall not operate as an absolute bar to licensure.

23 (3) Is at least 18 years of age.

24 (4) Has received his or her high school diploma or  
25 equivalent.

26 (5) Has completed a total of 600 hours in the study  
27 of electrology over a period of not less than 16 weeks  
28 nor more than 2 consecutive years at a program approved  
29 by the Department.

30 (6) Has successfully completed an examination  
31 approved by the Department that tests the applicant's  
32 knowledge of the theory and clinical practice of

1 electrology.

2 Section 32. Social Security number on license  
3 application. In addition to any other information required to  
4 be contained in the application, every application for an  
5 original, renewal, or restored license under this Act shall  
6 include the applicant's social security number.

7 Section 33. Grandfather provision. For a period of 12  
8 months after the filing of the original administrative rules  
9 adopted under this Act, the Department may issue a license to  
10 any individual who, in addition to meeting the requirements  
11 set forth in paragraphs (1), (2), (3), and (4) of Section 30,  
12 can document employment as an electrologist and has received  
13 remuneration for practicing electrology for a period of 3  
14 years and can show proof of one of the following: (i) current  
15 board certification by a national electrology certifying body  
16 approved by the Department; or (ii) completion of 75  
17 continuing education units in electrology approved by the  
18 Department.

19 Section 35. Powers and duties of the Department.

20 (a) The Department shall exercise the powers and duties  
21 prescribed by the Civil Administrative Code of Illinois for  
22 the administration of licensing Acts and shall exercise any  
23 other powers and duties necessary for effectuating the  
24 purposes of this Act.

25 (b) The Department may adopt rules consistent with the  
26 provisions of this Act for its administration and enforcement  
27 and may prescribe forms that shall be issued in connection  
28 with this Act. The rules may include but are not limited to  
29 standards and criteria for licensure, professional conduct,  
30 and discipline.

1           Section 40. Administrative Procedure Act. The Illinois  
2 Administrative Procedure Act is hereby expressly adopted and  
3 incorporated in this Act as if all of the provisions of the  
4 Illinois Administrative Procedure Act were included in this  
5 Act, except that the provision of paragraph (c) of Section  
6 10-65 of the Illinois Administrative Procedure Act, which  
7 provides that at hearings the licensee has the right to show  
8 compliance with all lawful requirements for retention,  
9 continuation, or renewal of the license, is specifically  
10 excluded. For the purposes of this Act, the notice required  
11 under Section 10-25 of the Illinois Administrative Procedure  
12 Act is considered to be sufficient when mailed to the last  
13 known address of the party.

14           Section 50. Issuance of license. Upon the satisfactory  
15 completion of the application and examination procedures, and  
16 compliance with the applicable rules of the Department, the  
17 Department shall issue an electrologist license to the  
18 qualifying applicant.

19           Section 55. Endorsement. Pursuant to the rules of the  
20 Department, upon payment of the required fee, an applicant  
21 who has been licensed in another state that has substantially  
22 the same requirements as those required for licensure under  
23 the provisions of this Act may be granted a license as an  
24 electrologist.

25           Section 60. Renewal; armed service duty. The expiration  
26 date and renewal period for each license issued under this  
27 Act shall be set by rule. Renewal shall be conditioned on  
28 paying the required fee and meeting other requirements as may  
29 be established by rule. All renewal applicants shall provide  
30 proof of having met the continuing education requirements  
31 approved by the Department consisting of the equivalent of 30

1 hours of continuing education every 24 months. The continuing  
2 education requirement may be waived in part or in whole for  
3 such good cause, including but not limited to illness or  
4 hardship, as may be determined by rule.

5 Any electrologist who has permitted a license to expire  
6 or who has a license on inactive status may have the license  
7 restored by submitting an application to the Department,  
8 filing proof acceptable to the Department of fitness to have  
9 the license restored, and paying the required fees. Proof of  
10 fitness may include sworn evidence certifying to active  
11 lawful practice in another jurisdiction.

12 The Department shall determine, by an evaluation process  
13 established by rule, a person's fitness for restoration of a  
14 license and shall establish procedures and requirements for  
15 restoration.

16 Any electrologist whose license expired while (i) on  
17 active duty with the Armed Forces of the United States, or  
18 the State Militia called into service or training, or (ii) in  
19 training or education under the supervision of the United  
20 States preliminary to induction into the military service,  
21 may have the license restored without paying any lapsed  
22 renewal fees if, within 2 years after honorable termination  
23 of service, training or education, the licensee furnishes the  
24 Department with satisfactory evidence to the effect that the  
25 licensee has been so engaged and that the service, training,  
26 or education has been so terminated.

27 Section 65. Inactive status. Any electrologist who  
28 notifies the Department in writing on forms prescribed by the  
29 Department may elect to place a license on inactive status  
30 and shall, subject to rules of the Department, be excused  
31 from payment of renewal fees until the Department is notified  
32 in writing of the intention to restore the license.

33 An electrologist requesting restoration from inactive

1 status shall be required to pay the current renewal fee and  
2 shall be required to follow procedures to restore the license  
3 as provided in Section 60 of this Act.

4 An electrologist whose license is on inactive status  
5 shall not practice in the State of Illinois.

6 A licensee who engages in practice with a lapsed license  
7 or a license on inactive status shall be considered to be  
8 practicing without a license, which shall be grounds for  
9 discipline under Section 75 of this Act.

10 Section 70. Fees; returned checks.

11 (a) The Department shall provide by rule for a schedule  
12 of fees for the administration and enforcement of this Act,  
13 including but not limited to original licensure, renewal, and  
14 restoration. The fees shall be nonrefundable.

15 (b) All fees collected under this Act shall be deposited  
16 into the General Professions Dedicated Fund and shall be  
17 appropriated to the Department for the ordinary and  
18 contingent expenses of the Department in the administration  
19 of this Act.

20 (c) A person who delivers a check or other payment to  
21 the Department that is returned to the Department unpaid by  
22 the financial institution upon which it is drawn shall pay to  
23 the Department, in addition to the amount already owed to the  
24 Department, a fine of \$50. The fines imposed by this Section  
25 are in addition to any other discipline provided under this  
26 Act for unlicensed practice or practice on a nonrenewed  
27 license. The Department shall notify the person that fees and  
28 fines shall be paid to the Department by certified check or  
29 money order within 30 calendar days of the notification. If,  
30 after the expiration of 30 days from the date of the  
31 notification, the person has failed to submit the necessary  
32 remittance, the Department shall automatically terminate the  
33 license or deny the application without a hearing. If the

1 person seeks a license after termination or denial, he or she  
2 shall apply to the Department for restoration or issuance of  
3 the license and pay all fees and fines due to the Department.  
4 The Department may establish a fee for the processing of an  
5 application for restoration of a license to defray the  
6 expenses of processing the application. The Director may  
7 waive the fines due under this Section in individual cases if  
8 the Director finds that the fines would be unreasonable or  
9 unnecessarily burdensome.

10 Section 75. Grounds for discipline.

11 (a) The Department may refuse to issue or renew and may  
12 revoke or suspend a license under this Act, and may place on  
13 probation, censure, reprimand, or take other disciplinary  
14 action with regard to any licensee under this Act, as the  
15 Department may consider proper, including the issuance of  
16 fines not to exceed \$5,000 for each violation, for one or any  
17 combination of the following causes:

18 (1) Material misstatement in furnishing information  
19 to the Department.

20 (2) Violation of this Act or its rules.

21 (3) Conviction of any felony under the laws of any  
22 U.S. jurisdiction, any misdemeanor an essential element  
23 of which is dishonesty, or any crime that is directly  
24 related to the practice of the profession.

25 (4) Making any misrepresentation for the purpose of  
26 obtaining a license.

27 (5) Aiding or assisting another person in violating  
28 any provision of this Act or its rules.

29 (6) Failing to provide information within 60 days  
30 in response to a written request made by the Department.

31 (7) Engaging in dishonorable, unethical, or  
32 unprofessional conduct of a character likely to deceive,  
33 defraud, or harm the public.

1           (8) Habitual or excessive use or addiction to  
2 alcohol, narcotics, stimulants, or any other chemical  
3 agent or drug that results in an electrologist's  
4 inability to practice with reasonable judgement, skill,  
5 or safety.

6           (9) Discipline by another U.S. jurisdiction or  
7 foreign nation if at least one of the grounds for  
8 discipline is the same as or substantially equivalent to  
9 any of those set forth in this Act.

10          (10) Directly or indirectly giving to or receiving  
11 from any person, firm, corporation, partnership, or  
12 association any fee, commission, rebate, or other form of  
13 compensation for any professional services not actually  
14 or personally rendered.

15          (11) A finding by the Department that the licensee,  
16 after having his or her license placed on probationary  
17 status, has violated the terms of probation.

18          (12) Abandonment of a patient.

19          (13) Willfully making or filing false records or  
20 reports in the licensee's practice, including, but not  
21 limited to, false records filed with State agencies or  
22 departments.

23          (14) Physical illness, including, but not limited  
24 to, deterioration through the aging process or loss of  
25 motor skill that results in the inability to practice the  
26 profession with reasonable judgment, skill, or safety.

27          (15) Gross negligence in his or her practice under  
28 this Act.

29          (16) Use of fraud, deception, or any unlawful means  
30 in applying for and securing a license as an  
31 electrologist.

32          (17) Immoral conduct in the commission of any act,  
33 such as sexual abuse, sexual misconduct, or sexual  
34 exploitation, related to the licensee's practice.

1           (18) Failure to comply with standards of  
2           sterilization and sanitation as defined in the rules of  
3           the Department.

4           (b) The Department may refuse to issue or renew or may  
5           suspend the license of any person who fails to file a return,  
6           to pay the tax, penalty or interest shown in a filed return,  
7           or to pay any final assessment of the tax, penalty, or  
8           interest as required by any tax Act administered by the  
9           Illinois Department of Revenue until the requirements of the  
10          tax Act are satisfied.

11          (c) The determination by a circuit court that a licensee  
12          is subject to involuntary admission or judicial admission as  
13          provided in the Mental Health and Developmental Disabilities  
14          Code operates as an automatic suspension. The suspension  
15          will end only upon a finding by a court that the patient is  
16          no longer subject to involuntary admission or judicial  
17          admission, the issuance of an order so finding and  
18          discharging the patient, and the recommendation of the  
19          Committee to the Director that the licensee be allowed to  
20          resume his or her practice.

21          (d) In enforcing this Section, the Department upon a  
22          showing of a possible violation may compel any person  
23          licensed to practice under this Act or who has applied for  
24          licensure or certification pursuant to this Act to submit to  
25          a mental or physical examination, or both, as required by and  
26          at the expense of the Department. The examining physicians  
27          shall be those specifically designated by the Department. The  
28          Department may order the examining physician to present  
29          testimony concerning this mental or physical examination of  
30          the licensee or applicant. No information shall be excluded  
31          by reason of any common law or statutory privilege relating  
32          to communications between the licensee or applicant and the  
33          examining physician. The person to be examined may have, at  
34          his or her own expense, another physician of his or her

1 choice present during all aspects of the examination. Failure  
2 of any person to submit to a mental or physical examination,  
3 when directed, shall be grounds for suspension of a license  
4 until the person submits to the examination if the Department  
5 finds, after notice and hearing, that the refusal to submit  
6 to the examination was without reasonable cause.

7 If the Department finds an individual unable to practice  
8 because of the reasons set forth in this Section, the  
9 Department may require that individual to submit to care,  
10 counseling, or treatment by physicians approved or designated  
11 by the Department, as a condition, term, or restriction for  
12 continued, reinstated, or renewed licensure to practice; or,  
13 in lieu of care, counseling, or treatment, the Department may  
14 file a complaint to immediately suspend, revoke, or otherwise  
15 discipline the license of the individual.

16 Any person whose license was granted, continued,  
17 reinstated, renewed, disciplined or supervised subject to  
18 such terms, conditions or restrictions, and who fails to  
19 comply with such terms, conditions or restrictions, shall be  
20 referred to the Director for a determination as to whether  
21 the person shall have his or her license suspended  
22 immediately, pending a hearing by the Department.

23 In instances in which the Director immediately suspends a  
24 person's license under this Section, a hearing on that  
25 person's license must be convened by the Department within 15  
26 days after the suspension and completed without appreciable  
27 delay. The Department shall have the authority to review the  
28 subject person's record of treatment and counseling regarding  
29 the impairment, to the extent permitted by applicable federal  
30 statutes and regulations safeguarding the confidentiality of  
31 medical records.

32 A person licensed under this Act and affected under this  
33 Section shall be afforded an opportunity to demonstrate to  
34 the Department that he or she can resume practice in

1 compliance with acceptable and prevailing standards under the  
2 provisions of his or her license.

3 Section 85. Violations; injunctions.

4 (a) If any person violates any provision of this Act,  
5 the Director may, in the name of the People of the State of  
6 Illinois through the Attorney General of the State of  
7 Illinois or the State's Attorney of any county in which the  
8 action is brought, petition for an order enjoining the  
9 violation or for an order enforcing compliance with this Act.  
10 Upon the filing of a verified petition in court, the court  
11 may issue a temporary restraining order, without notice or  
12 bond, and may preliminarily and permanently enjoin the  
13 violation. If it is established that the person has violated  
14 or is violating the injunction, the Court may punish the  
15 offender for contempt of court. Proceedings under this  
16 Section shall be in addition to, and not in lieu of, all  
17 other remedies and penalties provided by this Act.

18 (b) If a person practices as an electrologist or holds  
19 himself or herself out as an electrologist without being  
20 licensed under the provisions of this Act, then any licensed  
21 electrologist, any interested party, or any person injured  
22 thereby may, in addition to the Director, petition for relief  
23 as provided in subsection (a) of this Section.

24 (c) Whenever, in the opinion of the Department, a person  
25 violates any provision of this Act, the Department may issue  
26 a rule to show cause why an order to cease and desist should  
27 not be entered against that person. The rule shall clearly  
28 set forth the grounds relied upon by the Department and shall  
29 provide a period of 7 days after the date of the rule to file  
30 an answer to the satisfaction of the Department. Failure to  
31 answer to the satisfaction of the Department shall cause an  
32 order to cease and desist to be issued immediately.

1 Section 90. Investigations; notice and hearing.

2 (a) The Department may investigate the actions of an  
3 applicant or a person holding or claiming to hold a license.

4 (b) Before refusing to issue or renew a license or  
5 disciplining a licensed electrologist pursuant to Section 75  
6 of this Act, the Department shall notify in writing the  
7 applicant or the licensee of the nature of the charges and  
8 that a hearing will be held on the date designated, which  
9 shall be at least 30 days after the date of the notice. The  
10 Department shall direct the applicant or licensee to file a  
11 written answer to the Department under oath within 20 days  
12 after the service of the notice and inform the applicant or  
13 licensee that failure to file an answer will result in  
14 default being taken against the applicant or licensee and  
15 that the license may be suspended, revoked, placed on  
16 probationary status, or other disciplinary action may be  
17 taken, including limiting the scope, nature, or extent of  
18 business as the Director may deem proper. Written notice may  
19 be served by personal delivery or certified or registered  
20 mail sent to the respondent at the most recent address on  
21 record with the Department.

22 If the applicant or licensee fails to file an answer  
23 after receiving notice, the license may, in the discretion of  
24 the Department, be suspended, revoked, or placed on  
25 probationary status, or the Department may take whatever  
26 disciplinary action it deems proper including imposing a  
27 civil penalty, without a hearing if the act or acts charged  
28 constitute sufficient ground for such action under this Act.

29 At the time and place fixed in the notice, the Department  
30 shall proceed to hear the charges, and the parties or their  
31 counsel shall be accorded ample opportunity to present such  
32 statements, testimony, evidence, and argument as may be  
33 pertinent to the charges or to their defense. The Department  
34 may continue a hearing from time to time.

1           Section 95. Stenographer; transcript. The Department,  
2           at its expense, shall preserve a record of all proceedings at  
3           the formal hearing of any case involving the refusal to issue  
4           or renew a license or the discipline of a licensed  
5           electrologist. The notice of hearing, complaint, and all  
6           other documents in the nature of pleadings, written motions  
7           filed in the proceedings, the transcript of testimony, the  
8           report of the hearing officer, and the order of the  
9           Department shall be the record of the proceeding.

10          Section 100. Required testimony. Upon application of  
11          the Department or its designee, or of the person against whom  
12          proceedings pursuant to Section 75 of this Act are pending,  
13          any circuit court may enter an order requiring the  
14          attendance of witnesses and their testimony, and the  
15          production of documents, paper, files, books, and records in  
16          connection with any hearing or investigation. The court may  
17          compel obedience to its order by proceedings for contempt.

18          Section 105. Subpoena power; oaths. The Department has  
19          power to subpoena and bring before it any person in this  
20          State and to take testimony either orally, by deposition, or  
21          both, with the same fees and mileage and in the same manner  
22          as prescribed by law in judicial proceedings in civil cases  
23          in circuit courts of this State.

24          The Director and hearing officers may administer oaths to  
25          witnesses at any hearing that the Department is authorized to  
26          conduct under this Act and any other oaths required or  
27          authorized to be administered by the Department.

28          Section 110. Findings and recommendations. At the  
29          conclusion of the hearing, the hearing officer shall present  
30          to the Director a written report of its findings and  
31          recommendations. The report shall contain a finding of

1 whether or not the accused applicant or licensee violated  
2 this Act or failed to comply with the conditions required in  
3 this Act. The hearing officer shall specify the nature of  
4 the violation or failure to comply, and shall make its  
5 recommendations to the Director.

6 The report of the findings and recommendations of the  
7 hearing officer shall be the basis for the Department's order  
8 of refusal or for the granting of licensure unless the  
9 Director determines that the hearing officer's report is  
10 contrary to the manifest weight of the evidence, in which  
11 case the Director may issue an order in contravention of the  
12 hearing officer's report. The finding is not admissible in  
13 evidence against the applicant or licensee in a criminal  
14 prosecution brought for the violation of this Act, but the  
15 hearing and finding are not a bar to a criminal prosecution  
16 brought for the violation of this Act.

17 Section 115. Hearing officer. The Director has the  
18 authority to appoint an attorney duly licensed to practice  
19 law in this State to serve as the hearing officer in an  
20 action for refusal to issue or renew a license or for the  
21 discipline of a licensed electrologist. The hearing officer  
22 shall have full authority to conduct the hearing. The  
23 hearing officer shall report his or her findings and  
24 recommendations to the Director.

25 Section 120. Motion for rehearing. In any case  
26 involving the refusal to issue or renew a license, or the  
27 discipline of a licensee, a copy of the hearing officer's  
28 report shall be served upon the respondent by the  
29 Department, either personally or as provided in this Act for  
30 the service of the notice of hearing. Within 20 days after  
31 service, the respondent may present to the Department a  
32 motion in writing for a rehearing which shall specify the

1 particular grounds for rehearing. If no motion for rehearing  
2 is filed, then upon the expiration of the time specified for  
3 filing a motion, or if a motion for rehearing is denied, then  
4 upon denial, the Director may enter an order in accordance  
5 with the recommendation of the hearing officer. If the  
6 respondent orders from the reporting service, and pays for a  
7 transcript of the record within the time for filing a motion  
8 for rehearing, the 20-day period within which a motion may be  
9 filed shall commence upon the delivery of the transcript to  
10 the respondent.

11 Section 125. Rehearing on order of Director. Whenever  
12 the Director is not satisfied that substantial justice has  
13 been done in the revocation, suspension, or refusal to issue  
14 or renew a license, the Director may order a rehearing.

15 Section 130. Order or certified copy as prima facie  
16 proof. An order or a certified copy thereof, over the seal  
17 of the Department and purporting to be signed by the  
18 Director, shall be prima facie proof:

19 (1) that the signature is the genuine signature of  
20 the Director; and

21 (2) that the Director is duly appointed and  
22 qualified.

23 This proof may be rebutted.

24 Section 135. License restoration. At any time after the  
25 suspension or revocation of a license the Department may  
26 restore it to the accused person, unless after an  
27 investigation and a hearing the Department determines that  
28 restoration is not in the public interest.

29 Section 140. Surrender of license. Upon the revocation  
30 or suspension of any license, the licensee shall immediately

1 surrender the license to the Department, and if the licensee  
2 fails to do so, the Department has the right to seize the  
3 license.

4 Section 145. Temporary suspension. The Director may  
5 temporarily suspend the license of an electrologist without a  
6 hearing, simultaneously with the institution of proceedings  
7 for a hearing under Section 90 of this Act, if the Director  
8 finds that evidence in his or her possession indicates that  
9 continuation in practice would constitute an imminent danger  
10 to the public. In the event that the Director temporarily  
11 suspends a license without a hearing, a hearing by the  
12 Department must be held within 30 days after the suspension  
13 has occurred, and concluded without appreciable delay.

14 Section 150. Administrative Review Law. All final  
15 administrative decisions of the Department are subject to  
16 judicial review under the Administrative Review Law and its  
17 rules. The term "administrative decision" is defined as in  
18 Section 3-101 of the Code of Civil Procedure.

19 Proceedings for judicial review shall be commenced in the  
20 circuit court of the county in which the party applying for  
21 review resides. If the party is not a resident of this State,  
22 venue shall be in Sangamon County.

23 Section 155. Certification of record. The Department  
24 shall not be required to certify any record to the court,  
25 file any answer in court, or otherwise appear in any court in  
26 a judicial review proceeding unless there is filed in the  
27 court, with the complaint, a receipt from the Department  
28 acknowledging payment of the costs of furnishing and  
29 certifying the record. Failure on the part of the plaintiff  
30 to file a receipt in court is grounds for dismissal of the  
31 action.

1           Section 160. Penalties. A person who is found to have  
2 knowingly violated any provision of this Act is guilty of a  
3 Class A misdemeanor. On conviction of a second or subsequent  
4 offense the violator is guilty of a Class 4 felony.

5           Section 162. Unlicensed practice; violation; civil  
6 penalty.

7           (a) Any person who practices, offers to practice,  
8 attempts to practice, or holds oneself out to practice  
9 electrology without being licensed under this Act shall, in  
10 addition to any other penalty provided by law, pay a civil  
11 penalty to the Department in an amount not to exceed \$5,000  
12 for each offense as determined by the Department. The civil  
13 penalty shall be assessed by the Department after a hearing  
14 is held in accordance with the provisions set forth in this  
15 Act regarding the provision of a hearing for the discipline  
16 of a licensee.

17           (b) The Department has the authority and power to  
18 investigate any and all unlicensed activity.

19           (c) The civil penalty shall be paid within 60 days after  
20 the effective date of the order imposing the civil penalty.  
21 The order shall constitute a judgment and may be filed and  
22 execution had thereon in the same manner as any judgment from  
23 any court of record.

24           Section 165. Deposit of fees and fines. All of the fees  
25 and fines collected under this Act shall be deposited into  
26 the General Professions Dedicated Fund.

27           Section 170. Home rule. The regulation and licensing of  
28 electrologists are exclusive powers and functions of the  
29 State. A home rule unit may not regulate or license  
30 electrologists. This Section is a denial and limitation of  
31 home rule powers and functions under subsection (h) of

1 Section 6 of Article VII of the Illinois Constitution.

2 Section 900. The Regulatory Sunset Act is amended by  
3 changing Section 4.24 as follows:

4 (5 ILCS 80/4.24)

5 Sec. 4.24. Acts ~~Act~~ repealed on January 1, 2014. The  
6 following Acts are ~~Act-is~~ repealed on January 1, 2014:

7 The Electrologist Licensing Act.

8 The Illinois Public Accounting Act.

9 (Source: P.A. 92-457, eff. 8-21-01.)

10 Section 905. The Medical Practice Act of 1987 is amended  
11 by changing Section 20 as follows:

12 (225 ILCS 60/20) (from Ch. 111, par. 4400-20)

13 (Section scheduled to be repealed on January 1, 2007)

14 Sec. 20. Continuing education. The Department shall  
15 promulgate rules of continuing education for persons licensed  
16 under this Act that require 150 hours of continuing education  
17 per license renewal cycle. These rules shall be consistent  
18 with requirements of relevant professional associations,  
19 speciality societies, or boards. The rules shall also  
20 address variances in part or in whole for good cause,  
21 including but not limited to ~~for~~ illness or hardship. In  
22 establishing these rules, the Department shall consider  
23 educational requirements for medical staffs, requirements for  
24 specialty society board certification or for continuing  
25 education requirements as a condition of membership in  
26 societies representing the 2 categories of licensee under  
27 this Act. These rules shall assure that licensees are given  
28 the opportunity to participate in those programs sponsored by  
29 or through their professional associations or hospitals which  
30 are relevant to their practice. Each licensee is responsible

1 for maintaining records of completion of continuing education  
2 and shall be prepared to produce the records when requested  
3 by the Department.

4 (Source: P.A. 89-702, eff. 7-1-97; 90-742, eff. 8-13-98.)

5 Section 910. The Nursing and Advanced Practice Nursing  
6 Act is amended by changing Section 15-45 as follows:

7 (225 ILCS 65/15-45)

8 (Section scheduled to be repealed on January 1, 2008)

9 Sec. 15-45. Continuing education. The Department shall  
10 adopt rules of continuing education for persons licensed  
11 under this Title that require 50 hours of continuing  
12 education per 2-year license renewal cycle. The rules shall  
13 not be inconsistent with requirements of relevant national  
14 certifying bodies or State or national professional  
15 associations. The rules shall also address variances in part  
16 or in whole for good cause, including but not limited to ~~for~~  
17 illness or hardship. The continuing education rules shall  
18 assure that licensees are given the opportunity to  
19 participate in programs sponsored by or through their State  
20 or national professional associations, hospitals, or other  
21 providers of continuing education. Each licensee is  
22 responsible for maintaining records of completion of  
23 continuing education and shall be prepared to produce the  
24 records when requested by the Department.

25 (Source: P.A. 90-742, eff. 8-13-98.)

26 Section 915. The Illinois Optometric Practice Act of  
27 1987 is amended by changing Section 16 as follows:

28 (225 ILCS 80/16) (from Ch. 111, par. 3916)

29 (Section scheduled to be repealed on January 1, 2007)

30 Sec. 16. Renewal, reinstatement or restoration of

1 licenses; military service. The expiration date and renewal  
2 period for each license and certificate issued under this Act  
3 shall be set by rule.

4 All renewal applicants shall provide proof of having met  
5 the requirements of continuing education set forth in the  
6 rules of the Department. The Department shall, by rule,  
7 provide for an orderly process for the reinstatement of  
8 licenses which have not been renewed due to failure to meet  
9 the continuing education requirements. The continuing  
10 education requirement may be waived for such good cause,  
11 including but not limited to illness or in-eases-of-extreme  
12 hardship, as defined by rules of the Department.

13 The Department shall establish by rule a means for the  
14 verification of completion of the continuing education  
15 required by this Section. This verification may be  
16 accomplished through audits of records maintained by  
17 registrants; by requiring the filing of continuing education  
18 certificates with the Department; or by other means  
19 established by the Department.

20 Any optometrist who has permitted his or her license to  
21 expire or who has had his or her license on inactive status  
22 may have his or her license restored by making application to  
23 the Department and filing proof acceptable to the Department  
24 of his or her fitness to have his or her license restored and  
25 by paying the required fees. Such proof of fitness may  
26 include evidence certifying to active lawful practice in  
27 another jurisdiction and must include proof of the completion  
28 of the continuing education requirements specified in the  
29 rules for the preceding license renewal period for the  
30 applicant's level of certification that has been completed  
31 during the 2 years prior to the application for license  
32 restoration.

33 The Department shall determine, by an evaluation program  
34 established by rule, his or her fitness for restoration of

1 his or her license and shall establish procedures and  
2 requirements for such restoration.

3 However, any optometrist whose license expired while he  
4 or she was (1) in Federal Service on active duty with the  
5 Armed Forces of the United States, or the State Militia  
6 called into service or training, or (2) in training or  
7 education under the supervision of the United States  
8 preliminary to induction into the military service, may have  
9 his or her license restored without paying any lapsed renewal  
10 fees if within 2 years after honorable termination of such  
11 service, training, or education, he or she furnishes the  
12 Department with satisfactory evidence to the effect that he  
13 or she has been so engaged and that his or her service,  
14 training, or education has been so terminated.

15 (Source: P.A. 92-451, eff. 8-21-01.)

16 Section 920. The Podiatric Medical Practice Act of 1987  
17 is amended by changing Section 14 as follows:

18 (225 ILCS 100/14) (from Ch. 111, par. 4814)

19 (Section scheduled to be repealed on January 1, 2008)

20 Sec. 14. Continuing education requirement. Podiatric  
21 physicians licensed to practice in Illinois shall, as a  
22 requirement for renewal of license, complete continuing  
23 education at the rate of at least 25 hours per year. Such  
24 hours shall be earned (1) from courses offered by sponsors  
25 validated by the Illinois Podiatric Medical Association  
26 Continuing Education Committee and approved by the Podiatric  
27 Medical Licensing Board; or (2) by continuing education  
28 activities as defined in the rules of the Department.  
29 Podiatric physicians shall, at the request of the Department,  
30 provide proof of having met the requirements of continuing  
31 education under this Section. The Department shall by rule  
32 provide an orderly process for the reinstatement of licenses

1     which have not been renewed due to the licensee's failure to  
2     meet requirements of this Section. The requirements of  
3     continuing education may be waived by the Director, upon  
4     recommendation by the Board, in whole or in part for such  
5     good cause, including but not limited to illness or in--eases  
6     ~~ef---~~extreme hardship, as defined by the rules of the  
7     Department.

8             The Department shall establish by rule a means for the  
9     verification of completion of the continuing education  
10    required by this Section. This verification may be  
11    accomplished through audits of records maintained by  
12    registrants; by requiring the filing of continuing education  
13    certificates with the Department; or by other means  
14    established by the Department.

15    (Source: P.A. 86-596; 86-1472; 87-546.)

16             Section 999. Effective date. This Act takes effect on  
17    January 1, 2003.